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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,173	02/27/2004	Robert J. Lowles	PAT 53955-2 US	4903
26123 7590 04/01/2008 BORDEN LADNER GERVAIS LLP Anne Kinsman WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA				
EXAMINER MEHRPOUR, NAGHMEH				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 04/01/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blgcanada.com
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/787,173

Applicant(s)

LOWLES, ROBERT J.

Examiner

MELODY MEHRPOUR

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-2, 6-14, 17-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Naghmeh Mehrpour/
Primary Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because:

In response to the applicant's argument that "Christal and Kim fails to teach a mating structure for reasonably retaining the peripheral device in direct electrical contact with the mobile device when retained in the sleeve so as to permit the mobile to charge a battery in the peripheral" and the features of the present application (such as direct physical contact) does not thought by the references."

The Examiner asserts that Christal teaches a holder device has a rechargeable battery for each of the mobile telephone and cordless microphone headset unit and an intermediate part (1) that electrically connects the mobile telephone and cordless microphone headset unit in order to enable the batteries to be recharged by a charger. The intermediate part has a common pouch for the mobile telephone and cordless microphone headset unit, and Kim teaches connector(30) connects a wireless head set battery(40) to a portable phone battery(20). The connector(30) includes a cable having a jack. The portable phone battery(20) charges the wireless head set battery(40). A voltage detector(24) detects a voltage of the wireless head set battery(40) and a voltage of the portable phone battery(20). A microprocessor (22) controls a charge circuit(26) based on the voltages of the wireless head set battery(40) and the portable phone battery(20) detected by the voltage detector(24). The charge circuit(26) charges the wireless head set battery(40) according to a control of the microprocessor(22). The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge the battery in the peripheral device." Therefore, to require the system, disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, The Examiner asserts that Christal teaches a holder device has a rechargeable battery for each of the mobile telephone and cordless microphone headset unit and an intermediate part (1) that electrically connects the mobile telephone and cordless microphone headset unit in order to enable the batteries to be recharged by a charger. The intermediate part has a common pouch for the mobile telephone and cordless microphone headset unit, and Kim teaches connector(30) connects a wireless head set battery(40) to a portable phone battery(20). The connector(30) includes a cable having a jack. The portable phone battery(20) charges the wireless head set battery(40). A voltage detector(24) detects a voltage of the wireless head set battery(40) and a voltage of the portable phone battery(20). A microprocessor(22) controls a charge circuit(26) based on the voltages of the wireless head set battery(40) and the portable phone battery(20) detected by the voltage detector(24). The charge circuit(26) charges the wireless head set battery(40) according to a control of the microprocessor(22). The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim. Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose - human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed "to permit the mobile device to charge the battery in the peripheral device." Therefore, to require the system, disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.